

APPENDIX 8-3
DEFENDANTS' WITNESS LISTS

DEFENDANTS' TRIAL WITNESS LIST***Kraft Foods Global, Inc. et al. v. United Egg Producers, Inc. et al., 1:11-cv-08808***

Defendants United Egg Producers, Inc., United States Egg Marketers, Inc., Cal-Maine Foods, Inc., and Rose Acre Farms, Inc. hereby identify the following witnesses who Defendants will or may call to testify at the trial in the above-captioned matter. Defendants submit this joint witness list for the Court's and Plaintiffs' convenience and without waiver of any individual Defendant's right to conduct cross-examination of any witness offered by any other party.

This list is based on information reasonably available to Defendants at this time. Defendants reserve the right to revise, correct, supplement, or clarify these disclosures, consistent with Fed. R. Civ. P. 26(e) and the Court's Pretrial Schedule. Defendants reserve the right to call any individual identified or called as a witness in this action by Plaintiffs, including each of the persons identified in Plaintiffs' initial and final Witness Lists. Defendants further reserve the right to identify additional witnesses based on witnesses identified by Plaintiffs.

Defendants expect to present the following witnesses:

LIVE - WILL CALL

<u>Witness</u>	<u>Affiliation</u>	<u>Anticipated Testimony</u>	<u>Plaintiffs' Objection or MIL¹</u>
Jeff Armstrong	UEP Scientific Advisory Committee	Dr. Armstrong is expected to testify as to the UEP Scientific Advisory Committee's activities, the development of the UEP Scientific Advisory Committee Animal Welfare Recommendations, and the translation of the Recommendations into the UEP Animal Husbandry Guidelines for Egg Laying Hens.	Object to Defendants calling Dr. Armstrong during Plaintiffs' case-in-chief.

¹ Plaintiffs reserve the right to object to any witnesses Defendants may further identify, if any.

		*Available to testify October 30 through November 2, and November 15 through November 17	
Dolph Baker	Cal-Maine Foods	Mr. Baker is expected to testify as to Cal-Maine's involvement in UEP; its decision to join the UEP Certified Program; Cal-Maine's egg sales; and Cal-Maine's business, generally.	
Jesse David	Edgeworth Economics	Dr. David is expected to provide expert testimony concerning Rose Acre consistent with his report.	
Jeff Hardin	Cal-Maine Foods	Mr. Hardin is expected to testify as to Cal-Maine's customers; Cal-Maine's egg business; animal welfare issues in the egg marketplace; and customer demand for UEP Certified eggs.	
Gregory Hinton	Rose Acre Farms	Mr. Hinton is expected to testify about his experience with animal welfare issues in the egg marketplace; Rose Acre's sales in the shell egg and egg products markets; Rose Acre's exports and egg products business; and customer demand for UEP Certified eggs.	
David Hurd	Rose Acre Farms	Mr. Hurd is expected to testify concerning Rose Acre's animal husbandry practices; state-based animal welfare initiatives and the effect of those laws and regulations on Rose Acre's business; and Rose	

		Acre's efforts to implement the UEP Certified Program and expand its production.	
Gregory Marshall	Rose Acre Farms	Mr. Marshall is expected to testify concerning Rose Acre's efforts to expand its egg production; Rose Acre's egg production of eggs over time; and Rose Acre's finances.	
Gary Pickett²	Walmart	Mr. Pickett is expected to testify regarding Walmart's purchase of shell eggs, its animal welfare policies, and how such policies related to relationships with its shell egg suppliers, including certain Defendants. Mr. Pickett further will testify about Walmart's purchasing practices, its adoption and implementation of the UEP Certified Program, and the so-called 100% Rule, as well as his relevant experiences with Cal-Maine, Rose Acre Farms, and Sparboe.	Defendants' proposed testimony may be barred by the Court granting Plaintiffs' MIL No. 5 ³
Marcus Rust	Rose Acre Farms	Mr. Rust is expected to testify concerning Rose Acre's decision to join UEP, USEM, and the UEP Certified Program; Rose Acre's involvement in UEP and USEM; and Rose Acre's business, generally.	

³ Plaintiffs' Motion *In Limine* Number 5; Memorandum In Support Of Plaintiffs' Motion *In Limine* To Exclude Or Limit Evidence Regarding Grocers And Certain 30(b)(6) Witness Testimony, Dkt. 280.

Jonathan Walker	Economists, Inc.	Dr. Walker is expected to provide expert testimony consistent with his reports.	
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LIVE - MAY CALL LIST

<u>Witness</u>	<u>Affiliation</u>	<u>Anticipated Testimony</u>	<u>Plaintiffs' Objection or MIL</u>
Kim Rice	Rose Acre Farms	Mrs. Rice is expected to testify concerning Rose Acre's egg products business.	Plaintiffs request a deposition of Mrs. Rice prior to any testimony at trial, given that she was never previously deposed and first disclosed as a possible witness in July 2022. On September 11, 2022, RA informed Plaintiffs that it was highly unlikely that Ms. Rice would testify. Defendants then identified Ms. Rice as a witness on July 19, 2023.
Steve Storm	Cal-Maine Foods	Mr. Storm is expected to testify as to Cal-Maine's involvement in UEP and specifically his involvement with the UEP Producer Committee for Animal Welfare; its business operations; and animal welfare-related issues for Cal-Maine and its customers.	
Ken Paramore	Cal-Maine Foods	Mr. Paramore is expected to testify as to Cal-Maine's customers; Cal-Maine's egg business; animal welfare issues in the egg marketplace; and customer demand for UEP Certified eggs.	

Tim Thompson	Cal-Maine Foods	Mr. Thompson is expected to testify as to Cal-Maine's pre-2000 withdrawal from the egg product industry and the extent of its involvement in egg products during the relevant time period.	Plaintiffs request a deposition of Mr. Thompson prior to any testimony at trial, given that he was never previously deposed and first disclosed as a possible witness in July 2022. On September 11, 2022, CM informed Plaintiffs that it was unlikely to call Mr. Thompson. CM then identified Mr. Thompson as a witness for this submission on July 19, 2023.
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DESIGNATED VIDEO TESTIMONY – MAY CALL

<u>Witness</u>	<u>Affiliation</u>	<u>Plaintiffs' Objection or MIL</u>
Curtis Amundson	Kraft Foods	
Terry Baker	Michael Foods	
Gregory Bates	Publix	Plaintiffs' MIL No. 5
Timothy Bebee	Michael Foods	
Don Bell	University of California - Riverside	
Karen Brown	Food Marketing Institute	Plaintiffs' MIL No. 5
Toby Catherman	Michael Foods	
Ramesh Daga	Conopco	Plaintiffs' MIL No. 5
Brian Dowling	Safeway	Plaintiffs' MIL No. 5

Steven Feyman	Nestle USA	
Gene Gregory	United Egg Producers	
Jill Hollingsworth	Food Marketing Institute	Plaintiffs' MIL No. 5 ⁴
Sage Horner	Albertsons / SuperValu	Plaintiffs' MIL No. 5
Michelle Kamzalow	Heinz	Plaintiffs' MIL No. 5
Thomas Klump	Kroger	Plaintiffs' MIL No. 5
Thomas Langan	Conopco	Plaintiffs' MIL No. 5
David Lawrence	Safeway	Plaintiffs' MIL No. 5
Virginia Littlefield	Safeway	Plaintiffs' MIL No. 5
Gerald Lynch	General Mills	
Scott Manion	Kraft Foods	
Tiffany Mercuri	General Mills	
Paul Moran	Giant Eagle	Plaintiffs' MIL No. 5
Matthew Neal	The Kellogg Company	
Greg Ostrander	Michael Foods	

⁴ While Plaintiffs have designated certain testimony of Hollingsworth, Plaintiffs' decision on whether to use it in their case-in-chief will be informed by the Court's ruling on Plaintiffs' MIL No. 5.

Robert Pontius	Albertsons / SuperValu	Plaintiffs' MIL No. 5
Al Pope	United Egg Producers	
Terry Profitt	Cargill Kitchen Solutions	402, 403
Payton Pruett	Kroger	Plaintiffs' MIL No. 5
Robert Randall	Cal-Maine Foods	Plaintiffs object to Defendants presenting prior testimony of a witness within a Defendant's control. <i>See</i> Trial Stipulation 6 at Dkt. 160.
William Rehm	Daybreak	Plaintiffs' MIL No. 5
Beth Schnell	Sparboe Farms	Plaintiffs' MIL No. 3 ⁵
Norm Stocker	Cargill Kitchen Solutions	402, 403
Steve Storm	Cal-Maine Foods	Plaintiffs object to Defendants presenting prior testimony of a witness within a Defendant's control. <i>See</i> Trial Stipulation 6 at Dkt. 160.
Gary Stull	Kroger	Plaintiffs' MIL No. 5
Naamua Sullivan	General Mills	
Kelly Tobey	The Kellogg Company	

⁵ Plaintiffs' Motion *in Limine* Number 3; Memorandum In Support Of Plaintiffs' Motion *In Limine* To Preclude Evidence And Testimony About A November 2011 News Segment About Non-Party Sparboe Farms, Dkt. 175.

Binh Tran	General Mills	
William Trask	Nestle USA	
Mark Westphal	Michael Foods	
James Wilson	Publix	Plaintiffs' MIL No. 5